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United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
ERIK D. MENDOZA-CONTRERAS,  
  
Defendant.

CASE NO. 1:22-CR-00074-JLT-SKO  
  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER  
  
DATE: August 16, 2023  
TIME: 1:00 p.m.  
COURT: Hon. Sheila K. Oberto

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendants, by and through their counsel, hereby stipulate as follows:

1. By previous order, this matter was set for status on August 16, 2023.
2. By this stipulation, defendants now move to continue the status conference until November 15, 2023, and to exclude time between August 16, 2023, and November 15, 2023, under 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that the discovery associated with this case includes investigative reports and related documents in electronic form, videos, photographs, and digital evidence. The government provided initial discovery and supplemental discovery. On September 26, 2022, the government produced a second batch of supplemental discovery.
  - b) Counsel for defendant desires additional time to review discovery, consult with

his client, discuss potential resolutions with his client, and otherwise prepare for trial.

c) Counsel for defendant believes that failure to grant the above-requested continuance would deny him the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendants in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of August 16, 2023 to November 15, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i) and (iv) because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: August 7, 2023

PHILLIP A. TALBERT  
United States Attorney

/s/ Antonio J. Pataca  
ANTONIO J. PATACA  
Assistant United States Attorney

1 Dated: March 6, 2023

/s/ Nicholas Reyes

NICHOLAS REYES

Counsel for Defendant

Erik D. Mendoza-Contreras

7 **ORDER**

8 IT IS SO ORDERED.

12 DATED: 8/8/2023

Sheila K. Oberto

THE HONORABLE SHEILA K. OBERO  
UNITED STATES DISTRICT JUDGE